

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 54th Session, April 6, 1967

Meeting was called to order by Chairman Wooster at 4:15 P.M.

PRESENT: Wooster, Lowman, Dungan, Torvinen, White, Schouweiler, Kean

Absent: Hilbrecht, Swackhamer

SB 370: Amends law relating to water and sanitation district organization and elections.

SENATOR TITLOW: This gives voter qualifications to vote in the water and sanitation district. The way the judge ruled on a case, anyone driving through the territory the day of election could vote. With this, in order to vote they must pay a property tax on real property or personal property tax.

MR. WOOSTER: Has this been a problem?

SENATOR TITLOW: It was in this case that was decided by the judge. We need to have this tightened up.

MR. KEAN: In the case of three owners who had each a one-third interest in one piece, could they vote?

SENATOR TITLOW: Yes.

MR. WOOSTER: Why 8:00 A.M.? Is that before the polls open?

SENATOR TITLOW: I have no idea why the bill drafter put that in there.

SB 409: Changes designation of assistant parole and probation officers to special agents.

PAUL TOLAND: State Director of Parole and Probation.

This just changes the title of parole and probation officers to parole and probation agents. He is not, in the entire sense, a police officer. We feel it would put him on a better footing in dealing with the business world if he carried the title of agent.

MR. WOOSTER: You are Chief Parole and Probation Officer. Will your deputy be an agent under this?

MR. TOLAND: Yes.

MR. WHITE: Hasn't the word "agent" been sort of reserved or associated with Federal agents? FBI, etc?

MR. TOLAND: In most states parole people are designated agents. We are going to make up credentials that they can show to identify themselves, rather than having to show a badge like they do now. It will be less awkward to identify themselves with credentials.

To a layman within the United States the word "officer" has a connotation of law enforcement. Our people have many other functions.

MR. WOOSTER: What are you referring to?

MR. TOLAND: Their employment work for one thing.

MR. WHITE: If someone came to me and said they were an "agent" I would immediately think of the Federal agent.

MR. TOLAND: In any of these fields, you don't just identify yourself as an agent. You would say Agent Smith, of the Parole and Probation of the State of Nevada

SB 459: Provides that parole violator forfeits good behavior credits earned prior to his reimprisonment.

MR. TOLAND: This matter was drawn to our attention at the last parole board hearing. We had an individual up for parole who was originally sentenced to 1 to 5 years. He had served approximately 3 years. We were going to parole him and put him on a 2-year term, which would bring him up to his maximum of 5 years. However, because of statutory time and good time, in four months from when we would have paroled him, his time would have expired and after that time if he violated we could not get him back in the prison. The prison would not accept him, and that would put us in a rather ridiculous situation.

MR. LOWMAN: This means the Parole Board, then, has no discretion in this matter.

MR. TOLAND: We could find him guilty of violating his parole, but we could not get him back in the prison because of his expiration date.

MR. TORVINEN: We have changed the sentencing now. Under the old system with a 1 to 5 he became eligible after 11 months.

MR. TOLAND: We could still have this situation arise under determinate sentencing. They get 2 months good time and blood time and work time. This all comes off his sentence.

MR. WHITE: Off his sentence time or off his parole time?

MR. TOLAND: Off his sentence.

MR. KEAN: Would you please start over with that story? I guess I didn't quite get it.

MR. TOLAND: A man had a sentence of 1 to 5 years and he served 3 years. We were going to parole him for two years but the prison informed us that his time would be up four months from the time we paroled him, and we could not get him back into prison.

SB 358: Provides for effective enforcement of parent's duty to support dependent child.

MR. SAMUELSON: State Welfare Division

The Welfare Division wishes to oppose passage of this bill for several reasons. First, it may make mandatory the recipient of Aid to Dependent Children forfeiting this aid. It would be against the spirit of the law. Women should have the right to get the Aid to Dependent Children and it should not be mandatory that there be immediate cooperation with the D.A.

The Welfare Division, as a single state agency administering Aid to Dependent Children, must be allowed a certain amount of discretion in this aid. In many cases, the woman is

afraid to do anything about her husband who has deserted her with the D.A. but she will cooperate with the Welfare.

If this legislation is passed it will be in conflict with NRS 422.430 which states that the Attorney General's office shall pursue any deserting relative and force him to contribute.

I have given Mr. Wooster a telegram from our regional Federal Office and they are raising another serious doubt about this bill, that if anything in the bill tends to create any doubt about the Welfare Division being the sole agency for aid, it may be violating the Federal Act, in which case, we would lose all our Federal aid.

I believe the bill has very negligible value in aiding the enforcement machinery of the office of the D.A. and it may be of incalculable harm if it casts any doubt on our ability to get the needed Federal funds to help us finance the ADC program.

Sixteen counties have signified their willingness to let us go on the way we have been doing, with the Attorney General making the initial contacts. The only county that is not willing is Washoe County, which for some reason is anxious to pursue this immediately so they can pursue the defaulting parent. If they do not get complete compliance from the mother of the child, they can report it and have a voice in the ultimate decision of the Welfare Division.

We feel the bill should not be passed. It may jeopardize our Federal Aid, and in addition, it conflicts with and doubles on present duties imposed upon the Attorney General. There is no objection to cooperating with any of the offices that want us to. We have not been able to get squared away with the man in Washoe. He wants the woman to report immediately before she can get ADC.

MR. WOOSTER: Is there any definition of eligibility in the bill?

MR. SAMUELSON: Yes, line 3, section 1. I don't care how many reports we have to make to the D.A. I feel he is entitled to know what is going on, but we don't feel he should be the sole one to determine what is to be done. If we violate "confidentiality" we are in grave danger of losing our Federal ADC funds.

MR. WOOSTER: Lines 3 and 4 would make this a condition precedent for receiving aid?

MR. SAMUELSON: Yes. The moral force is very great, and it may be more than that. With our legislature meeting every two years, or possibly once a year, we may have a lot of difficulties. I don't think the game is worth the candle. More harm would result than good.

MR. TORVINEN: Is there any possible objection by the Welfare Department from doing what the bill requires?

MR. SAMUELSON: We are willing to make all reports and cooperate fully. I am afraid the way it is drawn it is aimed at the recipient herself and her children. I would not get too excited about the mother, either, but you still have the children.

MR. KEAN: How would you spell out this assistance without jeopardizing this aid?

MR. SAMUELSON: I don't think we could do it in this bill. I would be glad to work with

the proponents of this bill to work out something, but I don't think there is time left to do it at this point of the session.

We must leave the state agency as sole one to decide on the Aid to Dependent Children. This bill might do incalculable harm and I can see no particular good to be gained.

MR. WOOSTER: Would an amendment spelling out that this in no way affected the Welfare Division's right to decide who is eligible do it?

MR. SAMUELSON: I don't think that would do it. We always report to the D.A. as soon as we know that the father is defaulted or incapacitated and so on. We have the cooperation of the other states on this. We think we can always make a reasonable decision on who should get aid.

MR. LOWMAN: Did you testify before the Senate Committee?

MR. SAMUELSON: Some one from our department was there.

MR. LOWMAN: Did he tell them this story?

MR. SAMUELSON: No. Thank you for letting me appear.

AB 528: Secures right to bear arms.

Miss Dungan moved to postpone indefinitely AB 528
There was no second

MISS DUNGAN: I can just see the trouble that would result from a bunch of nuts running around carrying guns.

MR. LOWMAN: I can just see what might happen to my wife and children while I am up here.

MR. KEAN: I have a lot of guns at my house. Is that illegal?

MR. WOOSTER: There is nothing that I know of that makes that illegal.

MR. KEAN: I have the privilege of protecting my home, too. Do we need this bill? If I carry a gun in my car am I illegal?

MR. TORVINEN: I can't answer that. I think "concealed weapons" means concealing them on the person. I know there is a law on concealed weapons. In Reno it is a felony. In the state statute, it is a misdemeanor.

Mr. Lowman moved Do Pass AB 528
There was no second.

MISS DUNGAN: If we are really go to seriously consider a bill like this we should have a public hearing. I have been getting a lot of clamor on the phone about it.

MR. WOOSTER: We are at a point now where if people want to be heard, they can let us know.

SB 358: Provides for effective enforcement of parent's duty to support dependent children.

SENATOR SWOBE: We have a situation in Washoe County where we have a very fine deputy to the D.A. who is doing a real job trying to locate many of these irresponsible fathers. Under this bill a mother would come in and apply for ADC. Then she would go to the D.A. and he could get information from her so that he might search out the father and require him to furnish support money.

Now, he is not informed and the applicant is not required to come to his office and give this information. Many times it is long after the aid is given that the Welfare Department gets around to notifying him. This bill says the applicant should send the D.A. the information.

The Welfare Division's reason for not sending this information immediately is that they first want to try to reconcile the family and so on. However, we have been finding that our D.A. is getting little cooperation from them and is hampering him in his efforts to go after these fathers.

Many D.A.'s will not do anything even if they are informed, so some people say there is no need to give this information to any of them. I feel that if one is willing, he should not have a roadblock put in his way.

They say we are going to lose Federal Funds. Paragraph 2 says applicant may be denied if they do not adhere to this statute, so it is still in the hands of the Welfare Division, not the D.A.'s. At least he is given the information and the applicant is required to cooperate with him in locating the father.

MR. KEAN: I like the idea, but it does say non-supporting parents, not just fathers. They must cooperate with the D.A. What if he calls and says get down here in 10 minutes? She can't just go and leave the children.

SENATOR SWOBE: You could nit-pick the thing to death.

MR. WOOSTER: The Welfare still has discretion to determine if they should receive the aid?

SENATOR SWOBE: It is still in the hands of the Welfare. All this does is give the D.A. the power to run down these irresponsible parents. What they are doing now is putting one block after another in the way of this deputy in Washoe County.

MR. WOOSTER: I don't think this should determine eligibility. We do have a telegram from the Federal people, questioning whether or not this allows the D.A. to question eligibility.

MISS DUNGAN: If they have not been assisting, how did the D.A. ever find out about these things?

SENATOR SWOBE: They were assisting until last September. They say they do not have the staff to trace these people down. They say they changed the regulations because most of the D.A.'s were just ignoring their reports. If 16 counties are not doing a job and one county is, that one county should be allowed to go ahead.

The amendment as to eligibility would certainly be all right with me.

SB 163: Provides construction standards for mobile homes and travel trailers.

SENATOR SWOBE: The provisions in this bill comply with those of the United States Institute on standards.

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Idaho, Oregon and California use it. It sets up regulations that all trailers sold in Nevada have to be manufactured to a certain standard set by this Institute. Some are built in such a manner that the defects are not visible to the casual observer, such as electrical circuits.

What is happening now is that since our neighbor states have this law, they are sending the defective trailers to Nevada. The bill has the entire support of the trailer industry in Nevada. The Senate had a man come down and give us a run-down on it.

MR. TORVINEN: Have you talked to Doug Webb? He is in this business. I believe he said it is a good bill.

SENATOR SWOBE: No, I have not talked with him. The bill is self-financing and will give the state about 12 thousand dollars for the general fund.

SB 244: Permits judicial review of mandatory suspension or revocation of driver's license.

MR. WOOSTER: I have the amendment back on this. This is the bill that is on the Chief Clerk's desk. I put it there because we had some question about the word "case" in line 10. With this amendment we would delete "case" and insert "resulting in the action by the department." The point being that we wanted to limit the review to the action of the case and not go back into previous history.

Mr. Torvinen moved adoption of the amendment
Mr. Schouweiler seconded
Motion passed unanimously

AB 463: Authorizes Board of Regents of University of Nevada to acquire certain land by condemnation.

MR. WOOSTER: This bill is on the Chief Clerk's desk. This is the bill to give the University power of eminent domain to purchase three pieces of property. We have had trouble getting the legal description of the property in Reno.

MR. LOWMAN: Is it possible to go ahead and move this subject to your finding the description?

MISS DUNGAN: If they are going to strike this third section in the Senate, we might as well do it here.

Miss Dungan moved to amend AB 463 by deleting section 3
Mr. Schouweiler seconded
Motion passed unanimously

SB 370: Amends law relating to water and sanitation district organization and elections.

MISS DUNGAN: I have a question on the tax imposed, the privilege tax. What happened when the Veteran's Bill was passed? Is this still judged personal property?

MR. WOOSTER: We will hold this until Monday and get Mr. Daykin in.

SB 409: Changes designation of assistant parole and probation officers to special agents.

Mr. Torvinen moved Do Pass
There was no second

Mr. Lowman moved to indefinitely postpone SB 409

Miss Dungan seconded

The vote on the motion was tied, with Lowman and Dungan voting Aye and Torvinen and Wooster voting No. Mr. Kean did not vote.

MR. WOOSTER: We will vote again with a fuller committee.

SB 459: Provides that parole violators forfeit good behavior credits earned prior to reimprisonment.

Mr. Kean moved Do Pass

Mr. Lowman seconded

Motion passed unanimously

SB 358: Provides for effective enforcement of parent's duty to support dependent child.

Mr. Wooster gave proposed amendments: 1: line 10 to say "may be discontinued by the Department of Health and Welfare". 2: "nothing in this act shall be construed as being effective in determining eligibility."

MR. KEAN: The word "immediately" bothers me a little bit. It appears in several places.

MR. WOOSTER: I don't think it appears in any of the new amendments.

Mr. Lowman moved Do Pass SB 358 with the above two amendments

Mr. Schouweiler seconded

Motion passed unanimously

SB 163: Provides construction standards for mobile homes and travel trailers.

MR. TORVINEN: I am pretty sure this is the bill that Doub Webb said was a good one.

Mr. Kean moved Do Pass SB 163

Mr. Lowman seconded

Motion passed unanimously

AB 528: Secures right to bear arms.

Miss Dungan moved indefinitely postpone AB 528

Mr. Kean seconded

On the motion, the vote was two to two, with Dungan and Kean voting Aye and Lowman and Wooster voting No

MR. WOOSTER: The bill will be held over.

MR. TORVINEN: I have been directed to ask you whatever happened to SB 197.

MR. WOOSTER: We "deep-sixed" it.

Meeting was adjourned at 5:30 P.M.